

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDGAR GUZMAN,

Plaintiff

v.

P.A. LAINO, et al.,

Defendants

CIVIL ACTION NO. 1:04-CV-2527

(Judge Conner)

FILED  
HARRISBURG, PA

AUG 05 2005

MARY E. D'AMORE, CLERK  
Per M. E. D'Amore  
Deputy Clerk

ORDER

AND NOW, this 5th day of August, 2005, upon consideration of the report of the magistrate judge, recommending that Troy Williamson and P.A. Bennett be dropped as defendants from the above-captioned denial of medical care case, see 28 U.S.C. § 1915(e)(2)(B)(ii) (providing for dismissal of *in forma pauperis* claims for failure to state a claim upon which relief may be granted), and that P.A. Holtzapple be added as a defendant, see FED. R. Civ. P. 21, and following an independent review of the record, and it appearing that the amended complaint does not refer to defendant P.A. Bennett and avers only that defendant Troy Williamson should have ordered an alternative form of medical treatment, see Monmouth County Corr. Inst. Inmates v. Lanzaro, 834 F.2d 326, 346 (3d Cir. 1987) ("Mere disagreement as to the proper medical treatment [is insufficient] to support a claim of an eighth amendment violation."), and it further appearing that the amended complaint sets forth facts sufficient to include P.A. Holtzapple as a defendant, it is hereby ORDERED that:

1. The report of the magistrate judge (Doc. 13) is ADOPTED.
2. Troy Williamson and P.A. Bennett are DROPPED as defendants in the above-captioned case. See 28 U.S.C. § 1915(e)(2)(B)(ii).
3. P.A. Holtzapple is ADDED as a defendant in the above-captioned case.
4. This matter is REMANDED to the magistrate judge for further proceedings.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge